## Case 1:05-cr-00048-AWI-BAM Document 73 Filed 04/25/05 Page 1 of 2 UNITED STATES DISTRICT COURT FOR THE

## EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  Plaintiff,		) CASE NO. No. CR-F-05-0048- REC ) DETENTION ORDER	
MAF	RGARITO ABARCA-BARRAGAN,		
	Defendant.	) ) )	
A.	Order For Detention  After conducting a detention hearing pursuant	to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders	
	the above-named defendant detained pursuant	to 18 U.S.C. § 3142(e) and (i).	
В.	Statement Of Reasons For The Detention		
	The Court orders the defendant's detention because it finds:		
	* * *	that no condition or combination of conditions will reasonably	
	assure the appearance of the defendan	-	
	By clear and convincing evidence that the safety of any other person and the	no condition or combination of conditions will reasonably assure community.	
		•	
C.	Findings Of Fact		
	The Court's findings are based on the evidence which was presented in Court and that which was contained in		
	the Pretrial Services Report, and includes the following: (1) Nature and circumstances of the offense charged.		
		to possess methamphetamine with the intent to distribute is a	
	* * *	ies a maximum penalty of <u>life</u> .	
	(b) The offense is a crime	* *	
	(c) The offense involves a	narcotic drug.	
		large amount of controlled substances, to wit: .	
	(2) The weight of the evidence against the def	Pendant is high.	
	(3) The history and characteristics of the defer	ndant including:	
	(a) General Factors:		
	The defendant appears to have a	a mental condition which may affect whether the defendant will	
	appear.		
	The defendant has no family ties		
	The defendant has no steady em	- ·	
	The defendant has no substantia The defendant is not a long time		
	The defendant is not a long time  The defendant does not have any	•	
	-	he provided Pretrail Services with false information.	
	The defendant has a history rela	•	
	The defendant has a history rela		
	The defendant has a history rela	_	
		of failure to appear at court proceedings.	
	-	robation parole or release by a court	

3b142a	UNITED STATES MAGISTRATE JUDGE
Dated:A	April 22, 2005 /s/ Dennis L. Beck
IT IS SO OF	RDERED.
101 tile purpe	or an appearance in connection with a court proceeding.
-	e corrections facility in which the defendant is confined deliver the defendant to a United States Marshal use of an appearance in connection with a court proceeding.
	on order of a court of the United States, or on request of an attorney for the Government, the person in corrections facility in which the defendant is confined deliver the defendant to a United States Marshal
	defendant be afforded reasonable opportunity for private consultation with his counsel; and
and	
	he extent practicable from persons awaiting or serving sentences or being held in custody pending appeal;
	defendant be committed to the custody of the Attorney General for confinement in a corrections facility
	uant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
D. Add	itional Directives
	2425 of Title 18.
	2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or
	under sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2),
	c. That the defendant has committed an offense after April 30, 2003, involving a minor victim
	violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).
	carries a firearm during and in relation to any crime of violence, including a crime of
	(B) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or
	maximum penalty of 10 years or more.
	(A) That the defendant has committed a controlled substance violation which has a
	that there is probable cause to believe:
	of the defendant as required and the safety of the community because the Court finds
	b. That no condition or combination of conditions will reasonably assure the appearance
	which was committed while the defendant was on pretrial release.
	the crimes mentioned in (A) through (C) above which is less than five years old and
	described in (A) through (C) above, and the defendant has a prior conviction of one of
	(D) A felony after the defendant had been convicted of two or more prior offenses
	or
	(C) A controlled substance violation which has a maximum penalty of 10 years or more
	(A) A crime of violence, of  (B) An offense for which the maximum penalty is life imprisonment or death; or
	(A) A crime of violence; or
	of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
	a. That no condition or combination of conditions will reasonably assure the appearance
presi	amption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:
	In determining that the defendant should be detained, the Court also relied on the following rebuttable
(5)	Rebuttable Presumptions
(4)	The nature and seriousness of the danger posed by the defendant's release are as follows:
	Other: .
	The defendant is a legal alien and will be subject to deportation if convicted.
	The defendant is an illegal alien and is subject to deportation.
	(c) Other Factors:
	Release pending trial, sentence, appeal or completion of sentence.
	Parole.
	Probation.
	At the time of the current arrest, the defendant was on:
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